

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

**REX EARL SHARRAI,
APPELLANT
vs.**

**KRISTI LYNN SHARRAI,
RESPONDENT**

DOCKET NUMBER WD71279

DATE: OCTOBER 19, 2010

Appeal from:

Jackson County Circuit Court
The Honorable Christine Sill-Rogers, Judge

Appellate Judges:

Division Two: Joseph M. Ellis, P.J., Alok Ahuja and Cynthia L. Martin, JJ.

Attorneys:

Allen S. Russell, for Appellant

Steve D. Burmeister, for Respondent

MISSOURI APPELLATE COURT OPINION SUMMARY

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

REX EARL SHARRAI, APPELLANT

v.

KRISTI LYNN SHARRAI, RESPONDENT

WD71279

Jackson County, Missouri

Before Division Two Judges: Joseph M. Ellis, P.J., Alok Ahuja and Cynthia L. Martin, JJ.

Rex Sharrai ("Husband") appeals from a judgment entered in the Circuit Court of Jackson County dissolving his marriage to Kristi Sharrai ("Wife"). Specifically, Husband challenges the trial court's award of maintenance to Wife and the division of marital assets.

REVERSED AND REMANDED.

Division Two holds:

- (1) Wife's testimony sufficiently supported a finding by the trial court that her listed expenses of \$500.00 for rent and \$410.00 for college tuition were reasonable and legitimate.
- (2) The trial court did not abuse its discretion in refusing to impute additional income to Wife. The trial court found that Wife's part-time employment was appropriate in light of her medical problems, lack of education, and the current job market, and the record supports those findings.
- (3) The trial court erred in entering its maintenance award without taking into account any income or interest that Wife could earn as a result of the equalization payment of \$278,273.00. Husband was ordered to pay Wife as part of the division of marital property. Accordingly, the judgment must be reversed and remanded for further consideration of the maintenance award, taking into account the cash assets awarded to Wife in the marital property division.
- (4) Wife concedes that the trial court made a \$1,920.00 mathematical error in totaling the value of the marital property awarded to Husband. On remand, the trial court will be afforded the opportunity to consider what, if any, impact this miscalculation has on the division of marital property.

(5) Wife's testimony, as one of the owners of the various pieces of marital property, was sufficient to support the values assigned to those pieces of property by the trial court.

(6) The trial court did not err in refusing to credit Husband for mortgage payments made on the scuba business/residence from the time of the parties' separation until the date of trial and for other miscellaneous business expenses where the evidence did not reflect where the funds to make those payments derived from or that the income that Husband received from the business, and did not share with Wife, was insufficient to cover those costs.

Opinion by: Joseph M. Ellis, Judge

Date: October 19, 2010

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